

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-22978
Anthony Martinez Judge: MBK
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 03/02/2020
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: SFR Initial Debtor: AM Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 991 per month to the Chapter 13 Trustee, starting on
November 2019 for ~~approximately~~ ^{remaining} 57 months. (60 months total)

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 4083.08 plus all other court approved fees and costs
DOMESTIC SUPPORT OBLIGATION		
STATE OF NEW JERSEY	INCOME TAXES	\$430

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
WRI Property Management	Residential lease	\$8,300	N/A	\$8,300	As due starting August 1, 2019
Medallion Bank	2017 Maxey Trailer	\$827.11	N/A	\$827.11	Resume normal payments post-petition

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Santander	2018 Chevy Traverse	\$32,270	\$33,000	N/A	\$32,270	6%	\$37,432

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Deal Credit	2015 Chevy Silverado	\$22,000	Unknown - Remaining balance

f. Secured Claims Unaffected by the Plan ☒ **NONE**

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$ 0 to be distributed *pro rata* plus non-exempt proceeds from personal injury lawsuit
- ☐ Not less than _____ percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Santander	2018 Chevy Traverse	\$32,270	\$33,000	\$37,432	Payments as due

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

1) Ch. 13 Standing Trustee commissions

2) Secured

3) Priority

4) Unsecured

and Debtor's landlord is to be paid within first 18 months.

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 11/20/2019.

Explain below **why** the plan is being modified:

To correct the order of distribution and address non-exempt proceeds of personal injury lawsuit and to add State of New Jersey.

Explain below **how** the plan is being modified:

Same

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 03/02/2020

/s/ Anthony Martinez
Debtor

Date: _____

Joint Debtor

Date: 03/02/2020

/s/ Stephanie F. Ritigstein
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Anthony Martinez
DebtorCase No. 19-22978-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 32

Date Rcvd: Mar 03, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 05, 2020.

db +Anthony Martinez, 24 Birch Terrace, Parlin, NJ 08859-1104
cr +WRI Property Management, LLC, Agent for LSFP Maste, 3630 Peachtree Rd NE, Suite 1400, Atlanta, GA 30326-1823

518331249 +Deal Credit Corp, 174 Main Street, Suite 120, Eatontown, NJ 07724-3439
518431189 Emergency Physician Associate North Jersey, PC, PO Box 1123, Minneapolis MN 55440-1123
518331250 Hackensack Meridian Health Physician Bil, PO Box 419801, Boston, MA 02241-9801
518331252 Lenox Hill Hospital, c/o Arstrat, LLC, PO Box 33720, Detroit, MI 48232-3720
518331254 +MTA Bridges and Tunnels, c/o Transworld Systems, Inc., 1105 Schrock Road, Suite 300, Columbus, OH 43229-1174

518393798 +Medallion Bank, c/o Systems & Services Technologies, Inc, PO Box 9013, Addison, Texas 75001-9013

518331253 +Medallion Bank, 1100 East 6600 South, Suite 510, Salt Lake City, UT 84121-7422
518331256 +NJ Doctors Urgent Care of Sayreville, 963 Route 9 North, South Amboy, NJ 08879-3302
518331257 North Shore-LIJ Medical Group, c/o Professional Claims Bureau, Inc., PO Box 9060, Hicksville, NY 11802-9060

518364399 +Ralph Talerico, 128 Stobe Avenue, Staten Island, NY 10306-3518
518351453 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
518718787 +STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Unit, PO Box 245, Trenton, NJ 08695-0245)

518331258 +Santander, PO Box 961245, Fort Worth, TX 76161-0244
518331259 Santander Consumer USA, PO Box 660633, Dallas, TX 75266-0633
518331260 Systems & Services Technologies, Inc., PO Box 5493, Carol Stream, IL 60197-5493
518331262 Tolls by Mail Payment Processing Center, PO Box 15183, Albany, NY 12212-5183
518331263 +WRI Property Management, c/o Elisabete M. Rocha, Esquire, 3 Becker Farm Road, Suite 105, Roseland, NJ 07068-1726

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 04 2020 00:20:14 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Mar 04 2020 00:20:10 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

518429073 +E-mail/Text: g20956@att.com Mar 04 2020 00:20:50 AT&T Mobility II LLC, %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104, BEDMINSTER, NJ. 07921-2693

518331247 +E-mail/Text: DONNA@SAYREVILLE.COM Mar 04 2020 00:20:07 Borough of Sayreville, Water and Sewer Utilities, 167 Main Street, Sayreville, NJ 08872-1149

518331248 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 04 2020 00:22:26 Capital One, PO Box 6492, Carol Stream, IL 60197-6492

518404371 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 04 2020 00:22:39 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

518451743 +E-mail/Text: bncmail@w-legal.com Mar 04 2020 00:20:24 CarePoint Health - Physician CHMG, C/O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

518406384 +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Mar 04 2020 00:20:59 Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809

518364397 E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Mar 04 2020 00:20:59 Hyundai Motor Finance, PO Box 660891, Dallas, TX 75266-0891

518331251 E-mail/Text: sbse.cio.bnc.mail@irs.gov Mar 04 2020 00:19:38 IRS, PO Box 7346, Philadelphia, PA 19101-7346

518331255 E-mail/Text: bkrpt@retrievalmasters.com Mar 04 2020 00:20:09 New Jersey E-Z Pass, c/o RMCB, PO BOX 1235, Elmsford, NY 10523-0935

518364398 E-mail/Text: bankruptcy_notifications@ccsusa.com Mar 04 2020 00:21:03 The Charter Oak Fire Insurance Co., c/o CCSC, Payment Processing Center, PO Box 55156, Boston, MA 02205-5156

518331261 E-mail/Text: kristin.villneauve@allianceoneinc.com Mar 04 2020 00:19:13 The Port Authority of NY & NJ, c/o AllianceOne Receivables Management, PO Box 3103, Southeastern, PA 19398-3103

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518364396 Camela Lameer

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 32

Date Rcvd: Mar 03, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 05, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 2, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
David Nigro on behalf of Debtor Anthony Martinez jenkins.clayman@verizon.net
Denise E. Carlon on behalf of Creditor Medallion Bank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Jeffrey E. Jenkins on behalf of Debtor Anthony Martinez jenkins.clayman@verizon.net,
connor@jenkinsclayman.com
Jeffrey M. Rosenthal on behalf of Creditor WRI Property Management, LLC, Agent for LSFP
Master Participation Trust jrosenthal@lawfirm.ms,
jventola@choate.com;smonahan@choate.com;akramer@otterbourg.com
Kevin Gordon McDonald on behalf of Creditor Medallion Bank kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Stephanie F. Ritigstein on behalf of Debtor Anthony Martinez jenkins.clayman@verizon.net,
connor@jenkinsclayman.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9